

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.
03-12210-MLW

JOHANZ SANTOS, ET AL.

Plaintiffs

v.

BOB'S DISCOUNT FURNITURE, ET AL.

Defendants

REPORT AND RECOMMENDATION

July 28, 2004

COHEN, M.J.

The above-entitled case was referred to this court for all proceedings consistent with the provisions of 28 U.S.C. § 636(c) and Rule 4 of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts.¹

At the first conference, the question of venue was raised. It appeared then, as it

¹ The matter was referred to this court for all proceedings on account of the failure of the parties to respond to a so-called "opt out" procedure. See Docket Nos. 08 and 09. After the first conference before this court, however, counsel for some of the parties, in response to a Procedural Order (# 12) entered by this court on June 7, 2004, specifically objected to consent jurisdiction before this court. That objection to the consent jurisdiction of this court was by way of a writing directly to chambers so that the district judge to whom this case was assigned was not aware of the identity of the objecting parties.

appears now, that this case should have been initially assigned to the Western Section (Springfield session) because the only parties residing in Massachusetts reside in the Western Section. See Local Rule 40.1(d)(2)(C). All parties now agree that this case should have been, and should be, assigned to the Western Section. See Docket Nos. 16 and 17.

This court accordingly recommends that the district judge to whom this case is assigned order the case transferred to the Western Section for further proceedings.

UNITED STATES MAGISTRATE JUDGE